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13
14 **UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA**

16 REFLEX MEDIA, INC., a Nevada
17 corporation; and CLOVER8 INVESTMENTS
18 PTD.LTD., a Singapore corporation,

19 Plaintiffs,
20 v.

21 SUCCESSFULMATCH.COM, a California
22 corporation; JASON DU, an individual;
DIANNE ELIZABETH MURRY, an
individual; SONG DONGLIN, an individual;
TOM FU, an individual; WANG YU, an
individual; JESSICA ZHANG, an individual;
PHOEBE WI, an individual; LUCY LIU, an
individual; and DOE NO. 1,

23 Defendants.

24 Case No.: 2:18-cv-00259-GMN-GWF

25 **STIPULATION AND ORDER TO
26 STAY DISCOVERY PENDING
27 RULING ON MOTION TO DISMISS**

28 Plaintiffs REFLEX MEDIA, INC. and CLOVER8 INVESTMENTS PTD. LTD
("Plaintiffs") and Defendants SUCCESSFULMATCH.COM and JASON DU ("Defendants")
state the following:

29 1. The Complaint was filed on February 12, 2018 (ECF No. 1);
30 2. Defendant SuccessfulMatch.com waived service of the Summons and Complaint
31 on May 10, 2018 (ECF No. 18);
32 3. Defendant Jason Du waived service of the Summons and Complaint on May 10,
33 2018 (ECF No. 17);

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1 4. Defendants filed their Motion to Dismiss on July 9, 2018 (ECF No. 23);
2 5. Plaintiffs filed their Opposition to Defendants' Motion to Dismiss on August 6,
3 2018 (ECF No. 29);

4 6. Defendants submitted a reply in support of Defendants' Motion to Dismiss on
5 August 13, 2018 (ECF No. 31);

6 7. The Motion to Dismiss is fully briefed and awaiting decision;

7 8. The Motion to Dismiss addresses certain threshold questions of law regarding
8 personal jurisdiction of this Court over SuccessfulMatch.com and Jason Du based on the
9 allegations in the Complaint;

10 9. The briefing for the Motion to Dismiss does not seek discovery to resolve any
11 factual issues;

12 10. The Parties wish to avoid spending their respective limited resources on
13 discovery pending the outcome of a motion addressing a threshold issue of law regarding
14 jurisdiction;

15 11. In the context of a pending motion to dismiss for lack of personal jurisdiction,
16 "courts are more inclined to stay discovery because it presents a critical preliminary question."
17 *Hologram USA, Inc. v. Pulse Evolution Corp.*, No. 2:14-CV-00772-GMN, 2015 WL 1600768, at

18 *1 (D. Nev. Apr. 8, 2015) (quotations and citations omitted); *see also Edwards*, 2017 WL
19 1822572, at *1 ("Typical situations in which staying discovery pending a ruling on a dispositive
20 motion are appropriate would be where the dispositive motion raises issues of jurisdiction,
21 venue, or immunity"); *Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556
22 (D. Nev. 1997) (stating that common situations in which a court may determine that staying
23 discovery is appropriate occur when dispositive motions raise issues of jurisdiction, venue, or
24 immunity); *Liberty Media Holdings, LLC v. Letyagin*, 2012 WL 3135671, at *5 (D. Nev. Aug. 1,
25 2012) ("A defendant should not be required to engage in expensive and burdensome discovery in
26 a court that has no jurisdiction over him."); *Grand Canyon Skywalk Dev. LLC v. Steele*, No.
27 2:13-CV-00596-JAD, 2014 WL 60216, at *4 (D. Nev. Jan. 7, 2014) (Foley, J.) ("Motions to
28 dismiss based on lack of personal or subject matter jurisdiction, or immunity from suit raise

1 issues that call for a different standard as to whether discovery should be stayed. A defendant
2 should not be required to participate in burdensome and costly discovery in a forum that has no
3 jurisdiction over him..."); *AMC Fabrication, Inc. v. KRD Trucking West, Inc.*, 2012 WL
4 4846152, at *2 (D. Nev. Oct. 10, 2012) (a motion challenging personal jurisdiction strongly
5 favors a stay);

6 12. Additionally, as noted in the submitted proposed scheduling plan, several other
7 foreign defendants are being served with process in China (ECF No. 41) and a stay would allow
8 more time to complete service of those defendants and have all the parties joined together to
9 conduct discovery at the same time, rather than piecemeal;

10 13. Based on the foregoing reasons, the Parties believe a temporary stay of discovery
11 until the Court resolves the pending Motion to Dismiss is warranted to resolve a preliminary
12 issue of jurisdiction and as it is more just to accomplish the inexpensive determination of the
13 case. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011) (setting forth
14 standard to stay discovery pending dispositive motion);

15 14. Accordingly, the Parties request that the Court stay discovery pending ruling on
16 the Motion to Dismiss.

17 **IT IS SO AGREED AND STIPULATED:**

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28 **IT IS SO ORDERED:**

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UNITED STATES MAGISTRATE JUDGE
DATED: 10/02/2018